

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
 :
 v. : CRIMINAL NO. 09-020
 :
 ELI LILLY AND COMPANY :

FINAL ORDER FORFEITING FUNDS PAID TO THE UNITED STATES
IN SATISFACTION OF JUDGMENT AND ORDER OF FORFEITURE

WHEREAS, at sentencing on January 30, 2009, the Court entered a Judgment and Order of Forfeiture for \$100,000,000 (forfeiture money judgment) in favor of the United States and against defendant as a result of defendant's conviction for violating 21 U.S.C. §§ 331(a), 333(a)(1) and 352(f)(1). The money judgment amount was imposed because the forfeitable property, that is, quantities of misbranded Zyprexa valued at \$100,000,000, had been dissipated and were unavailable for forfeiture.

AND WHEREAS, the forfeiture money judgment was final as to defendant at sentencing.

AND WHEREAS, on February 13, 2009, defendant paid to the United States \$100,000,000.

AND WHEREAS, pursuant to 21 U.S.C. § 853(n), incorporated by 28 U.S.C. § 2461(c), notice of the entry of the Judgment and Order of Forfeiture was published on an official internet government forfeiture site (www.forfeiture.gov) for at least thirty (30) consecutive days to give third-parties an opportunity to petition the Court for hearing to adjudicate their interest in the forfeited property.

AND WHEREAS, no thirty-party petitions were filed.

AND WHEREAS, the Court found based on defendant's plea agreement that defendant had an interest in the property subject to forfeiture.

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The government's motion to forfeit funds paid to the government by defendant is GRANTED.
2. All right, title and interest of all persons, their heirs and assigns in the \$100,000,000.00 paid by defendant to the United States on February 13, 2009 is forfeited to the United States pursuant to 28 U.S.C. § 2461(c) and 21 U.S.C. §§ 334 and 853(p) and title is hereby vested in the United States of America.
3. Defendant's forfeiture money judgment is satisfied.
4. The Clerk of the United States District Court for the Eastern District of Pennsylvania shall deliver a copy of this Order to the United States Marshal Service and to counsel for the parties.
5. The United States Marshal Service shall dispose of the forfeited property in accordance with the law and rules of this Court.

BY THE COURT:


HON. ROBERT F. KELLY
United States District Judge

May 7, 2009

cc: Speer Trial
NUSA D. Wolf (ice)
Th. Gallagher, Esq (ice)
Proctor (2cc)
Mushals (2cc)
S. Tetinal (ice)